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## DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Syllabi prepared by M. P. Burks, State Reporter.)

MILLER V. MILLER'S ADM'R AND OTHERS.—Decided at Richmond, January 23, 1896.—*Riely, J* :

1. EQUITABLE SEPARATE ESTATE—*No particular words to create*—"To her only use and behoof" sufficient—*Trustee not necessary*. No particular form of words is necessary to create a separate estate in a married woman. It is sufficient if the instrument, in any way, shows that it was intended for the wife to have the property to her sole and separate use. And though express trustees are usual in equitable separate estates, they are not necessary. If the property be given directly to the wife by apt words to create a separate estate, equity will treat the husband as trustee as to such property. A conveyance of land to two persons "to their only use and behoof," one of whom is a married woman, vests in the married woman a separate estate in her share of the land.

2. EQUITABLE SEPARATE ESTATE—*Liability for debts*—*Evidence of intention to charge*. The equitable separate estate in fee in lands which a married woman holds free from any restraint on her powers of alienation is liable for the payment of debts contracted on the faith and credit of it, which liability a court of equity will enforce during the coverture or after its termination, and if the rents and profits of such real estate will not pay such debts in a reasonable time, the land itself may be sold for that purpose. The execution of a bond, note or other writing for the payment of money by such married woman, whether as principal or surety, is sufficient evidence of an intention to charge such separate estate.

3. EQUITABLE SEPARATE ESTATE—*Liability for open accounts*. Where husband and wife occupy, as a home, the separate equitable estate in fee of the wife, and husband and wife employ laborers to cultivate the land for her benefit, which cultivation is necessary for her support and the enjoyment of the estate, the separate estate is liable for such services though only evidenced by open account.

4. EVIDENCE—*Exception to competency of witness*—*Cross-examination*. If, after an exception has been taken to the competency of a witness, the exceptor cross-examines him as to matters not brought out on the examination in chief against the objection of the party calling him, the exceptor thereby waives his exception to the competency of the witness and makes him his own witness.

LILLIENFELD V. COMMONWEALTH.—Decided at Richmond, January 23, 1896.—*Riely, J* :

1. COURT OF APPEALS—*Transfer of cases*—*Sec. 3093 of Code*. Under the provisions of sec. 3093 of the Code the Court of Appeals has the right, when sitting at one of its places of session, to transfer to such place of session any case pending at one of its other places of session.

2. REVOCATION OF LIQUOR LICENSE—*Notice*. In a proceeding under sec. 560